THE HON'BLE SRI JUSTICE C.V. RAMULU

Friday, 14th day of July, 2006

W.P.No.9459 of 2000

Between:

A. Raghu Varma … Petitioner

and

The District Collector,
Chittoor and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.9459 of 2000

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of respondents 2 and 3 in not reducing the Full Tank Level (FTL) of Guluru Tank and not opening the Lower Level Sluice of the said Tank in spite of instructions issued by the 1st respondent as arbitrary and illegal and to direct the respondents to reduce the Full Tank Level of Guluru Tank and open the Lower Level Sluice of the said Tank forthwith.

A detailed counter affidavit has been filed on behalf of respondents 2 and 3, wherein it is asserted that the allegation that the instructions of the 1st respondent to open lower level were not complied with is unfounded. Respondent No.1 never instructed that the sluice should be opened. It was only instructed that necessary action be taken and a detailed report be sent. Pursuant to that, a detailed report was furnished to the 1st respondent by the 2nd respondent vide his letter dated 4-5-1999. Further, it is asserted that the allegation that in 1952, the level of the tank bed was raised about 6' and, therefore, the level of the sluice was also raised and due to the raising of tank bed, about 300 acres of patta lands of the villages other than tank bed area are being submerged, whenever there is a full storage of water in the tank, is false and baseless. The tank bed level and sluice level were never raised as alleged by the petitioners.

Therefore, the question of additional lands coming under submergence does not arise at all. The Full Tank Level of the tank continues to be the same as it was when the tank was constructed. The total storage capacity of the tank at FTL condition is 49.43 Mcft. The total extent of Ayacut that can be irrigated with the said 49.43 Mcft with a duty of 7 Acres/Mcft is not even sufficient to irrigate the total registered Ayacut of Ac.494.60 cts of wet crops under the tank. The allegation that there was negligence on the part of the officials and that misleading data was given is baseless.

Though the petitioner asserts that in spite of instructions issued by the 1st respondent, respondents 2 and 3 have not taken any action in not reducing the Full Tank Level of Gluru Tank and not opening the Lower Level Sluice of the said Tank, in the counter affidavit, it is asserted on behalf of respondents 2 and 3 that the 1st respondent never instructed that the sluice should be opened. In view of the same and in the light of the averments made in the counter affidavit, the Writ Petition is devoid of merits and is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No order as to costs.

14-7-2006

prk